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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,551	08/31/2001	Matthew H. Bernius	83301PCW	3075

7590 04/07/2004  
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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/944,551

Applicant(s)

BERNIUS ET AL.

Examiner

Truc T Chuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5 at line 3, the phrase “and/or” renders the claim indefinite because the claim whether includes the element(s) or not.

Claims 6-7 are also rejected because of their dependency.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tang et al. (U.S. Patent No. 5,960,173).

As to claim 1, Tang teaches a website for providing interactive communication between first and second users comprising:

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(a) displayable text provided by the first user which text is directly or indirectly input and subsequently displayed in real time (real-time video and a text string, col. 4 lines 38-52, figs. 1, 3 & 4),

(b) displayable text provided by the second user which text is input and subsequently displayed in real time (email and text chat, col. 8 lines 38-64); and

(c) an image provided by the first user (bitmapped image or capturing a video image of themselves, col. 4 lines 38-52, and element 22 of figs. 1 & 3), which are directly or indirectly input and subsequently displayed in real time so that the first user shares viewing of the image with the second user (figs. 1 & 3).

As to claim 2, Tang teaches the website as in claim 1 further comprising a subsequent image that replaces the image for permitting enhanced interactive chatting (col. 10 lines 20-57, and elements 42 and 22 of fig. 1).

As to claim 3, Tang teaches the website as in claim 2, wherein the image or subsequent image is enlarged in size when requested by the first or second user (when requesting information of a worker at window 20 of fig. 1, a larger image with details about that worker will be displayed at window 30, col. 8 lines 1-29).

As to claim 4, Tang teaches the website as in claim 2 further comprising descriptive text of the image or subsequent image displayed on a real time basis substantially simultaneously with the image or subsequent image (col. 8 lines 1-50, and fig. 1).

As to claim 5, Tang teaches the website as in claim 2 further comprising storing the text of the first and second user along with lower resolution versions of the image and/or any subsequent image for forming a transcript for ultimately permitting archival and later retrieval of

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the transcript (bitmapped image, regular image, col. 4 lines 38-60, and information about each worker, note the rejection of claim 3 above).

As to claim 6, Tang teaches the website as in claim 5 further comprising higher resolution versions of the lower resolution versions of the image or subsequent image which are also stored (bitmapped image, regular image, col. 4 lines 38-60, and fig. 1).

As to claim 7, Tang teaches the website as in claim 6 further comprising a link between the lower resolution and higher resolution images (selecting a bitmapped images of window 20, a larger image with details about that worker will be displayed at window 30, col. 8 lines 1-29).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wong et al. (U.S. Patent No. 6,708,172 B1) teach image, chat, website, email, HTML, and GUI (cols. 3-27 and figs. 1-9M).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

04/01/04

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